

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:

Raymond P. Edwards,

Debtor.

Chapter 7

Bankruptcy No. 22-06343

Hon. Deborah L. Thorne

NOTICE OF MOTION

Please take notice that on **Thursday, September 29, 2022, at 9:00 A.M.**, or as soon thereafter as counsel may be heard, the undersigned attorneys shall appear before the Honorable Deborah L. Thorne, United States Bankruptcy Judge for the Northern District of Illinois, and then and there present the attached **Trustee's Application to Retain Ariane Holtschlag and the Law Office of William J. Factor, Ltd., Retroactive to September 1, 2022**, a copy of which is attached hereto and herewith served upon you.

This motion will be presented and heard electronically using Zoom for Government. No personal appearance in court is necessary or permitted. To appear and be heard on the motion, you must do the following:

To appear by video, use this link: <https://www.zoomgov.com/>. Then enter the meeting ID and password.

To appear by telephone, call Zoom for Government at 1-669-254-5252 or 1-646-828- 7666. Then enter the meeting ID and password.

Meeting ID and password. The meeting ID for this hearing is 160 9362 1728. The meeting ID can also be found on the judge's page on the court's web site.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

Dated: September 21, 2022

Deborah K. Ebner, not
individually but as the chapter 7
trustee of the bankruptcy estate of
Raymond P. Edwards

By: /s/ Ariane Holtschlag
One of Her Proposed Attorneys

William J. Factor (6205675)
Ariane Holtschlag (6294327)
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CERTIFICATE OF SERVICE

I, Ariane Holtschlag, an attorney, hereby certify that on July 7, 2022, pursuant to Section II.B.4 of the Administrative Procedures for the Case Management/Electronic Case Filing System and Fed.R.Civ.P. 5(a), I caused a copy of the foregoing *Notice of Motion* and the accompanying *Application* to be served electronically through the Court's Electronic Notice for Registrants on all persons identified as Registrants on the below Service List and by US Mail on all persons identified as Non-Registrants on the below Service List.

/s/ Ariane Holtschlag

SERVICE LIST

Registrants

(Service via ECF)

J Kevin Benjamin

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Kinnera Bhoopal

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Patrick S Layng

USTPRegion11.ES.ECF@usdoj.gov

Non-Registrants

(Service via U.S. Mail)

Raymond P. Edwards 5342 N. Cicero Ave. Chicago, IL 60630	
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**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:

Raymond P. Edwards,

Debtor.

Chapter 7

Bankruptcy No. 22-06343

Hon. Deborah L. Thorne

**TRUSTEE'S APPLICATION TO RETAIN ARIANE HOLTSCHLAG
AND THE LAW OFFICE OF WILLIAM J. FACTOR, LTD.,
RETROACTIVE TO SEPTEMBER 1, 2022**

Pursuant to 11 U.S.C. §§ 105(a), 327(a), 328(a) and Rule 2014 of the Federal Rules of Bankruptcy Procedure, Deborah K. Ebner, not individually but solely in her capacity as duly appointed chapter 7 trustee (the “**Trustee**”) of the bankruptcy estate (the “**Estate**”) of Raymond P. Edwards (the “**Debtor**”), respectfully requests that this Court enter an order, substantially in the form of that submitted herewith, authorizing the Trustee to employ Ariane Holtschlag and the Law Office of William J. Factor, Ltd. (collectively, “**FactorLaw**”) as her general bankruptcy counsel, retroactive to September 1, 2022. In support of this application (the “**Application**”), the Trustee relies on the Declaration of Ariane Holtschlag (the “**Holtschlag Declaration**”), which is attached hereto as **Exhibit 1**, and respectfully states and alleges as follows:

JURISDICTION

1. This Court has jurisdiction over this Application pursuant to 28 U.S.C. §§ 157 and 1334, and Local Rule 40.3.1(a) of the United States District Court for the Northern District of Illinois.
2. Venue of the above-captioned case (the “**Case**”) and of this Application is proper in this Judicial District pursuant to 28 U.S.C. §§ 1408

and 1409. This matter is a core proceeding within the meaning of 28 U.S.C. §§ 157(b)(1) and (b)(2)(A) and (O).

BACKGROUND

3. On June 4, 2022 (the “*Petition Date*”), the Debtor filed a voluntary petition for relief under chapter 13 of title 11, United States Code (the “*Bankruptcy Code*”), thereby initiating the Case.

4. On August 15, 2022, the Case was converted to a chapter 7.

5. Deborah K. Ebner was thereafter appointed as the Case trustee.

6. The Trustee requires the assistance of counsel to represent her in the Case generally, including, but not limited, investigating the financial affairs of the Debtor, investigating and liquidating property of the Estate, reviewing the Debtor’s claimed exemptions, and to the extent necessary, objecting to the Debtor’s claimed exemptions and claims filed against the Estate.

RELIEF REQUESTED

7. The Trustee respectfully requests that the Court authorize her to employ FactorLaw on the terms and conditions set forth herein and in the Holtschlag Declaration.

8. The predicates for the relief requested herein are 11 U.S.C. §§ 105(a), 327(a), 328(a), as supported by Rule 2014 of the Federal Rules of Bankruptcy Procedure.

BASIS FOR RELIEF

9. A trustee may employ, with the court’s approval, one or more attorneys “that do not hold or represent an interest adverse to the Estate, and that are disinterested persons, to represent or assist the trustee in

carrying out the trustee's duties under [the Bankruptcy Code]." 11 U.S.C. § 327(a).

10. The Trustee seeks to retain FactorLaw as her counsel because (a) FactorLaw has extensive experience and knowledge in the field of debtor's and creditor's rights and cases under chapter 7 of the Bankruptcy Code and is experienced in investigating a chapter 7 debtor's assets and pursuing recovery of such assets; (b) FactorLaw has experience and knowledge practicing before this Court, and (c) FactorLaw's appearance before this Court for the applications, motions, and other matters in this chapter 7 case will be efficient and cost effective for the Estate, as the hourly rate of FactorLaw's associates are substantially lower than the Trustee's own hourly rates. The Trustee believes that FactorLaw is both well qualified and uniquely able to represent her in the Case in a most efficient and timely manner.

11. The Trustee expects that FactorLaw will be called upon to render professional services, including, but not limited to, the following:

- a. providing legal advice with respect to the liquidation of the Debtor's assets and administration of the Estate;
- b. reviewing documents from the Debtor and third-parties regarding assets and claimed exemptions;
- c. to the extent necessary, facilitate the liquidation of the Debtor's assets;
- d. preparing, on behalf of the Trustee, all necessary applications, motions, objections, adversary proceedings, answers, orders, reports, and other legal papers as required by applicable bankruptcy or non-bankruptcy law, as dictated by the demands of the case, or as required by the

Court, and representing the Trustee in any hearings or proceedings related thereto;

- e. appearing in Court and protecting the interests of the Trustee and the Estate before the Court; and
- f. performing all other legal services for the Trustee relating to the recovery of assets that she may deem necessary and proper in this Case.

12. As set forth in the Holtschlag Declaration, FactorLaw believes that it does not hold or represent an interest adverse to the Estate, and that it is a disinterested person within the meaning of § 327(a).

13. Additionally, pursuant to Bankruptcy Rule 2014(a), FactorLaw does not have any connections with the Debtor, his creditors, the United States Trustee or any person employed in the office of the United States Trustee, any other party in interest, or their respective attorneys or accountants that require disclosure.

14. Under the facts as described herein and in the Holtschlag Declaration, the Trustee believes that retention of FactorLaw satisfies all of the applicable statutory standards enumerated above.

COMPENSATION

15. Section 328(a) of the Bankruptcy Code permits the Trustee, subject to this Court's approval, to employ or authorize the employment of a professional person under Section 327 "on any reasonable terms and conditions of employment, including ... on a contingent fee basis." 11 U.S.C. § 328(a).

16. The Trustee proposes to retain FactorLaw on an hourly basis and seeks approval under Section 328(a) of the Bankruptcy Code of that arrangement.

17. The normal hourly billing rates for FactorLaw's attorneys and legal assistants are as follows:

Professional	Title	Hourly Rate
William J. Factor	Partner	\$400
Jeffrey Paulsen	Partner	\$400
Ariane Holtschlag	Partner	\$375
Isaiah A. Fishman	Partner	\$375
Justin Storer	Partner	\$375
Deborah K. Ebner	Of Counsel	\$400
David Hassel	Senior Counsel	\$400
Sam Rodgers	Paralegal	\$125
Danielle Mesikapp	Legal Assistant	\$100

18. FactorLaw will maintain detailed and contemporaneous records of time and any actual and necessary expenses incurred in connection with the rendering of the legal services contemplated herein by category and nature of the services rendered.

19. FactorLaw understands that any and all compensation for legal services rendered on behalf of the Trustee shall be subject to Court approval, after notice and hearing, and in accordance with applicable sections of the Bankruptcy Code, Bankruptcy Rules, and Local Rules and Procedures. The Trustee requests that all legal fees and related costs incurred by the Trustee on account of services rendered by FactorLaw in this case be paid as an administrative expense of the Estate in accordance with the Bankruptcy Code and any applicable orders entered in this chapter 7 case.

20. Prior to the filing of this Application, the Trustee required that her counsel perform certain routine services. The Trustee requests that her retention of FactorLaw be made effective as of September 1, 2022, so that FactorLaw may recover for such services.

NOTICE

21. Notice of this Application has been given to: (i) the Office of the United States Trustee; (ii) the Debtor; (iii) the Debtor's counsel; and (iv) any person that has requested notice in the Case or that receives notices through the ECF System with respect to the case.

WHEREFORE, the Trustee respectfully requests that the Court enter an order (a) granting the Application; (b) authorizing the Trustee to employ FactorLaw as her counsel under 11 U.S.C. §§ 327 and 328 on the terms and subject to the conditions set forth herein and in the Holtschlag Declaration, retroactive to September 1, 2022; and (c) granting such other and further relief as this Court may deem just and appropriate.

Dated: September 21, 2022

Respectfully submitted,

Deborah K. Ebner, not
individually but as the chapter 7
trustee of the bankruptcy estate of
Raymond P. Edwards

By: /s/ Ariane Holtschlag
One of Her Proposed Attorneys

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